



Paper No. 9

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In re Application of
Minden and Starodubov
Application No. 09/924,957
Filed: August 7, 2001
Attorney Docket No. HRL035

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition under 37 CFR § 1.137(b), filed January 28, 2002, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.47(a) filed February 5, 2002.

The petition under 37 CFR 1.137(b) is **granted**.

The petition under 37 CFR 1.47(a) is **moot**.

TREATMENT UNDER 37 CFR 1.137(b)

This application became abandoned for failure to respond in an appropriate and timely manner to the "Notice to File Missing Parts in a Nonprovisional Application" (the "Notice") mailed October 3, 2001. The Notice set forth a two month period for reply beginning from its mailing date. Extensions of time for reply were available pursuant to 37 CFR § 1.136(a). In response to the Notice on February 5, 2002, applicant filed a petition under 37 CFR 1.47(a), a request for an extension of time within the second month pursuant to 37 CFR 1.136(a), and remitted the outstanding filing fee. A Letter and Notice of Abandonment was mailed on December 16, 2002, informing petitioner that the application was abandoned and that revival would be necessary before the petition under 37 CFR 1.47(a) could be entertained. The instant petition was then filed on January 28, 2002.

The declaration, executed by both named inventors, filed January 28, 2002, is noted and made of record.

TREATMENT UNDER 37 CFR 1.47(a)

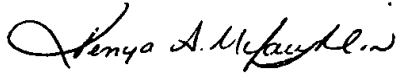
There is no remedy that could be provided by the petition under 37 CFR 1.47(a) because a declaration was filed that is executed by all named inventors. The petition under 37 CFR 1.47(a) is, therefore, moot.

The application is being forward to the Office of Initial Patent Examination for further processing.

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Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.

A handwritten signature in cursive script, reading "Kenya A. McLaughlin".

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions